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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues prior to submission of the combined second and third periodic reports of Paraguay*

A. Purpose and general obligations (arts. 1–4)

1. Please explain the measures taken to amend the terminology used to refer to persons with disabilities, including in article 58 of the Constitution.

2. Please provide information on the human, technical and financial resources allocated to the National Secretariat for the Human Rights of Persons with Disabilities.

B. Specific rights

Equality and non-discrimination (art. 5)

3. Please provide information on concrete efforts to:

(a) Adopt regulations pursuant to article 46 of the Constitution for the realization of the right of persons with disabilities to equality and non-discrimination;

(b) Bring legislation into line with the Convention on the Rights of Persons with Disabilities, including information on the adoption of legislation prohibiting all forms of discrimination as provided for in, inter alia, areas 6 and 8 of the National Action Plan for the Rights of Persons with Disabilities 2015–2030;

(c) Advance the development of human rights indicators relating to equality and non-discrimination in the civil service.

4. Please also provide information on the public investment allocation for area 6 of the Plan, including action line 6.3, particularly with respect to women with disabilities, indigenous persons with disabilities and those living in poverty and/or in rural or remote areas.

Women with disabilities (art. 6)

5. Please provide information on progress in the implementation of Act No. 5777/16 on the comprehensive protection of women from all forms of violence. Please also provide an update on progress in the implementation of action line 5.3 and all of the action lines under area 14 of the Plan.

6. Please provide relevant data on the situation of women and girls with disabilities in the State party, including statistical information on:

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(a) Women with disabilities who are under the protection of the State and who are affected by violence (by year);

(b) The proportion of women and girls with disabilities who are in the education system;

(c) The proportion of women with disabilities in the civil service and the proportion of women with disabilities in high-level posts.

Children with disabilities (art. 7)

7. Please provide information on the measures taken to ensure that children with disabilities, especially indigenous children, have access, on an equal basis with others, to community-based programmes and services provided by the public and private sector, principally those relating to health, education and social services.

Awareness-raising (art. 8)

8. Please provide information on progress made in implementing all of the action lines under area 1 of the National Action Plan for the Rights of Persons with Disabilities with a view to changing stereotypes of persons with disabilities. Please explain how organizations of persons with disabilities have been included.

Accessibility (art. 9)

9. Please indicate to what extent the actions under the "Accessibility" area of the Plan have been implemented, in particular action lines 4.1, 4.2, 4.6 and 4.7 and action line 5.5 on investment in the disability sector. Please also include data derived from human rights indicators on accessibility.

10. Please provide information on measures to ensure the implementation at the municipal level of Act No. 4934/13 on accessibility of the physical environment for persons with disabilities, including in education, health and other public service facilities. Please also provide information on the measures taken to ensure that persons with disabilities have access to accessible public transport services, including staff training and the availability of such transport, including outside metropolitan areas.

Situations of risk and humanitarian emergencies (art. 11)

11. Please provide information on the progress made in implementing the national risk management policy and all of the action lines under area 15 of the National Action Plan for the Rights of Persons with Disabilities.

Equal recognition before the law (art. 12)

12. Please provide information on the efforts made to amend the provisions of the Civil Code and the Code of Civil Procedure limiting the exercise of legal capacity by persons with disabilities and to reform the Criminal Code (Act No. 1160/97) and the Code of Criminal Procedure (Act No. 1268/98) with regard to the use of therapeutic placement measures. Please provide information on the progress made in the implementation of all of the action lines under area 7 of the National Action Plan for the Rights of Persons with Disabilities.

13. Please also provide information on the steps taken to ensure progress in the design and use of mechanisms for supported decision-making for persons with disabilities, with the full participation of such persons through their representative bodies.

Access to justice (art. 13)

14. Please provide information on measures to ensure access to justice and the removal of barriers preventing persons with disabilities from having access to justice. Please also provide information on the implementation of all of the action lines, and particularly action line 8.3, under area 8 of the National Action Plan for the Rights of Persons with Disabilities.

Liberty and security of the person (art. 14)

15. Please provide information on the progress made in implementing all of the action lines under area 9 of the Plan.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

16. Please provide information on the measures taken to implement the recommendations issued by the national mechanism for the prevention of torture together with the results of its analytical study of the living conditions of persons who have physical or psychosocial disabilities and who are deprived of their liberty.

Freedom from exploitation, violence and abuse (art. 16)

17. Please provide information on the progress made in implementing action line 5.3 and all of the action lines under area 14 of the National Action Plan for the Rights of Persons with Disabilities.

18. Please provide statistical information on the progress made in connection with:

(a) Persons with disabilities who are affected by violence (by year, sex, age group and department);

(b) Persons with disabilities who are affected by exploitation, violence and abuse and who are under the protection of the State.

Liberty of movement and nationality (art. 18)

19. Information is requested on the efforts made to ensure that persons with disabilities, particularly children in remote and rural areas, are documented and are issued with cost-free identity cards in a simple and speedy manner.

Living independently and being included in the community (art. 19)

20. Please provide information on persons with disabilities who remain institutionalized, including those institutionalized in mental health facilities.

21. With reference to the recommendations contained in the report of the Special Rapporteur on the rights of persons with disabilities on her visit to Paraguay (A/HRC/34/58/Add.1), please provide information on:

(a) The foster homes initiative as a transitional support measure to promote a return to community living for persons with disabilities who were institutionalized in the psychiatric hospital in Asunción, including specific information on budgets, improvements, extensions and the number of people currently affected;

(b) The efforts made to identify the number of children with disabilities living in residential homes and to urgently develop a strategy for their deinstitutionalization, with the aim of promoting support services and raising awareness among the parents and families of children with disabilities, and in the community, in order to prevent them being abandoned.

Freedom of expression and opinion, and access to information (art. 21)

22. Please provide information on efforts to promote the decentralization of sign language training in order to increase the number of sign language interpreters. Please also report on the measures taken to develop a plan to promote information and communication technologies that are accessible to persons with disabilities.

Education (art. 24)

23. Please report on the extent to which the Inclusive Education Act (Act No. 5136/13) and the accompanying regulations, contained in Decree No. 2837/14, have been implemented, including information on measures to ensure effective schooling for children and adolescents with disabilities in the mainstream education system. Please also report on the human rights indicators relating to area 11 of the National Action Plan for the Rights of

Persons with Disabilities and on the investments made by the State party in connection with the right to education for persons with disabilities.

24. Please provide information on the number of sign language interpreters in classrooms nationwide.

25. Please provide information on the "high-performance centres" funded through international cooperation and on their compatibility with the right to high-quality, inclusive education.

Health (art. 25)

26. Please provide information on universal health coverage for all persons with disabilities in the State party, including indigenous persons with disabilities, and on the extent to which the action lines under area 12 of the National Action Plan for the Rights of Persons with Disabilities have been implemented. Please include information on efforts to decentralize specialized health-care services for persons with disabilities at the local level and on measures to ensure the accessibility of such services, taking into account the diversity of persons with disabilities.

27. Please provide information on the follow-up given to the implementation of the human rights indicators developed by the Ministry of Public Health and Social Welfare in 2013 with the support of the Office of the United Nations High Commissioner for Human Rights, in particular with respect to the commitment to provide disaggregated data on persons with disabilities.

28. Please provide information on the budget of the National Secretariat for the Human Rights of Persons with Disabilities for public policies on the rights of persons with disabilities. Please also give details of the budget allocated to habilitation and rehabilitation services.

29. Please provide information on measures to ensure access for persons with psychosocial disabilities to health services, including mental health services and community-based services, on the basis of free and informed consent. Please also provide information on the measures to redirect the budgetary resources set aside for the psychiatric hospital in Asunción to community-based mental health services, including in rural areas.

Habilitation and rehabilitation (art. 26)

30. Please report on the steps taken to transfer responsibility for rehabilitation and habilitation services from the National Secretariat for the Human Rights of Persons with Disabilities to the general health system under the Ministry of Public Health and Social Welfare.

Work and employment (art. 27)

31. Please report on measures taken to promote employment opportunities and career advancement for persons with disabilities, particularly women with disabilities and persons with psychosocial or intellectual disabilities. Please also report on the progress made under area 13 of the National Action Plan for the Rights of Persons with Disabilities.

32. Please indicate whether the decree regulating Act No. 4962/13 on tax incentives for private companies, aimed at promoting the inclusion of persons with disabilities, has been adopted.

33. Please report on measures for the effective implementation of Act No. 2479/04 and Act No. 3585/08 establishing quotas for the employment of persons with disabilities in public agencies and institutions.

Adequate standard of living and social protection (art. 28)

34. Please provide information on the inclusion of persons with disabilities in the State's social protection programmes and on the budgetary investment allocated for that purpose. Please also report on efforts to introduce disability certification according to clear criteria that are in conformity with the Convention.

Participation in political and public life (art. 29)

35. Please provide information on legislative and other measures designed to guarantee, in law and in practice, the political rights of persons with disabilities, including the elimination of restrictions on the exercise of those rights, for instance in the Electoral Code; please specify the measures taken to increase accessibility.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

36. Please report on the Government's progress on planning in connection with processing data relating to the indicators contained in the National Action Plan for the Rights of Persons with Disabilities. Please include the information available. Please state whether use has been made of the Short Set of Disability Questions of the Washington Group on Disability Statistics.

37. Please report on the progress made in connection with area 2 of the Plan.

International cooperation (art. 32)

38. Please highlight how efforts to link the National Human Rights Plan to the 2030 Agenda for Sustainable Development through the 2030 National Development Plan have included persons with disabilities in a cross-cutting manner.

National implementation and monitoring (art. 33)

39. Please describe the role of the government coordination mechanism established in March 2015 and report on the actions carried out in follow-up to the National Action Plan for the Rights of Persons with Disabilities.

40. Please provide information on the progress made in the establishment of an independent mechanism in line with article 33 (2) of the Convention.

41. Please provide information on measures to facilitate registration processes for organizations of persons with disabilities so that they may obtain legal status and participate in the National Commission on the Rights of Persons with Disabilities.